

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ROY LEE MILLER,

Plaintiff,

V.

2:08-CV-2386-VEH-PWG

PSYCHIATRIST PILKONTON,

CHARLEY WOODLEY, DR.

ROBERT HUNTER, KATHRYN

ALLEN, DEPUTY WARDEN GARY

HETZEL, DR. MALERO, C.M.S. Inc.,

DONNIE P. MYERS,

Defendants.

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on May 11, 2009, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. No objections were filed by either party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint

is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

DONE this the 14th day of August, 2009.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS
United States District Judge